

RESOLUTION NO. 2025-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, FINDING THAT THE UPDATE CITY OF FONTANA SEWER SYSTEM MANAGEMENT PLAN IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE UPDATE.

WHEREAS, on December 6, 2022, the California Water Resources Control Board adopted Statewide General Waste Discharge Requirements (SGWDRs) for Sanitary Sewer Systems, Order No. 2022-0103-DWQ (Order No.2022-0103-DWQ); and

WHEREAS, all federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California, which would include the City of Fontana, are required to comply with the terms of the Order, pursuant to California Water Code, Section 13263; and

WHEREAS, on December 9, 2009, the City certified its Sewer System Management Plan (SSMP) through Resolution No. 2009-103; and

WHEREAS, the City of Fontana amended its SSMP to meet all the requirements of Order No. 2022-0103-DWQ (2025 SSMP); and

WHEREAS, none of the improvements discussed in the SSMP can proceed prior to compliance with the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA"); and

WHEREAS, City staff has determined that approval of the SSMP is exempt from environmental review pursuant to CEQA because it is not a "project" as defined in section 15378(b)(4) of the California Code of Regulations, which provides that a project for purposes of CEQA does not include "[t]he creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment" and;

WHEREAS, the SGWDR requires that the SSMP be presented to the Agency's governing board for approval at a public meeting, and be certified by the agency's legally responsible official.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fontana, California, as follows:

Section 1. Recitals. The above recitals are true, correct and incorporated herein by this reference.

Section 2. CEQA. The City Council has determined that the SSMP is exempt from environmental review pursuant CEQA because it is not a “project” as defined in section 15378(b)(4) of the California Code of Regulations, which provides that a project for purposes of CEQA does not include “[t]he creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.”

Section 3. Adoption. The City Council hereby adopts the Sewer System Management Plan 2025 attached hereto as Exhibit A and incorporate herein by this reference, as required by the State Regional Water Quality Control Board.

Section 4. Notice of Exemption. The City Council directs staff to file a notice of exemption with the County Clerk of San Bernardino within five (5) working days of the date of this Resolution.

Section 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 6. Certification. The City Clerk shall certify to the adoption of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this 25th day of February, 2025.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting on the 25th day of February 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk